

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TITO CONTRACTORS, INC.  
Employer

and

Case 05-RC-117169

INTERNATIONAL UNION OF PAINTERS  
AND ALLIED TRADES, DISTRICT COUNCIL 51,  
AFL-CIO  
Petitioner

ORDER

The Employer's Request for Review of the Acting Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup> The Employer's request to reopen the record is denied.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., November 17, 2014.

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<sup>1</sup> In denying review, we agree with the Acting Regional Director that the Employer has not overcome the presumptive appropriateness of the unit sought by the Petitioner. The petitioned-for employees work for the same employer in facilities located in a common geographical region and perform skilled and unskilled physical work. There is some evidence that the warehouse employee sometimes assists with other Employer projects besides the warehouse and coordinates shipments and deliveries with other employees. Further, there is no evidence of collective bargaining in smaller units and no party seeks to represent any of the employees in a smaller unit. Finally, the Employer has not proposed any alternative units. Member Miscimarra would grant review and evaluate the record evidence regarding the appropriateness of the petitioned-for unit.